

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS HERTEL and NANCY
HUTCHINS,

Plaintiffs,

Case No. 1:12-cv-00174

v.

Hon. Robert Holmes Bell

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
et al.,

Defendants.

MOTION FOR LEAVE TO FILE SUPPLEMENTAL AUTHORITY

Defendants Mortgage Electronic Registration Systems, Inc., MERSCORP, Inc., Bank of America, N.A., JPMorgan Chase Bank, N.A., and CitiMortgage, Inc. (collectively, “Defendants”), by their undersigned attorneys, hereby request leave from this Court pursuant to W.D. Mich. L. Civ. R. 7.2(c) to file the Notice Of Supplemental Authority, attached hereto as **Exhibit A**. In support of their Motion, Defendants state as follows:

1. Defendants’ Joint Motion To Dismiss Plaintiffs’ Complaint, ECF No. 78, is currently pending before this Court for decision. The issues have been fully briefed by the parties.

2. On March 14, 2013, the United States Court of Appeals for the Sixth Circuit issued its decision in *McLaughlin v. Chase Home Finance LLC*, which, *inter alia*, holds that mortgage assignments are exempt from transfer taxes under Michigan law.

3. Defendants seek permission to file a short supplemental brief advising the Court of the *McLaughlin* decision, and identifying the pages of the briefs filed by the parties where the argument is made that corresponds to a portion of the *McLaughlin* decision.

4. In accordance with W.D. Mich. L. Civ. R. 7.1(d), Defendants' counsel contacted Plaintiffs' counsel via e-mail to ascertain whether this Motion will be opposed. Defendants' counsel has not yet received a response.

Wherefore, Defendants hereby move this Court for permission to file the attached Notice Of Supplemental Authority based on the new decision issued by the Sixth Circuit.

Dated: March 19, 2013

Respectfully submitted,

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/s/ Thomas V. Panoff

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